



Missouri Department of Natural Resources

MINUTES

MISSOURI SOIL AND WATER DISTRICTS COMMISSION TELEPHONE CONFERENCE CALL LEWIS AND CLARK STATE OFFICE BUILDING JEFFERSON CITY, MISSOURI JUNE 28, 2013

COMMISSION MEMBERS PRESENT VIA TELEPHONE: Charles Ausfahl, H. Ralph Gaw, Thomas Bradley, Gary Vandiver, and Richard Fordyce

EX-OFFICIO MEMBERS: SARA PARKER PAULEY, DEPT. OF NATURAL RESOURCES: Harry Bozoian

EX-OFFICIO MEMBERS PRESENT VIA TELEPHONE: DR. JON HAGLER, DEPT. OF AGRICULTURE: Judy Grundler

ADVISORY MEMBERS PRESENT: SOIL & WATER CONSERVATION PROGRAM: Colleen Meredith

ADVISORY MEMBERS PRESENT VIA TELEPHONE: NRCS: J.R. Flores, ATTORNEY GENERAL'S OFFICE: Tim Duggan; MISSOURI ASSOCIATION OF SOIL & WATER CONSERVATION DISTRICTS: Kenny Lovelace

STAFF MEMBERS PRESENT: Christa Moody, Jim Plassmeyer, Colette Weckenborg, Bill Wilson; AG LIASON: Kurt Boeckmann

STAFF MEMBERS PRESENT VIA THE PHONE: Jennifer Pellett, Jeremy Redden

OTHERS PRESENT VIA TELEPHONE: DISTRICTS: Atchison: Louis Byford; Howard: Beverly Dometrorch; Oregon: Freda Johnson, Sarah Stubbs; Worth: Richard Mullock; Maries: Sandy Stratman

A. CALL TO ORDER

Chairman Richard Fordyce called the meeting to order in Jefferson City, Missouri, at the Lewis and Clark building at 8:34 am. Roll call was taken. Charles Ausfahl, H. Ralph Gaw, Thomas Bradley, Gary Vandiver, and Richard Fordyce were present, which made a quorum.

B. MINUTES OF THE PREVIOUS MEETING

1. April 3, 2013

H. Ralph Gaw made a motion to approve the minutes of the April 3, 2013 Commission meeting. Gary Vandiver seconded the motion. When asked by the chair, Charles Ausfahl, Gary Vandiver, Thomas Bradley, H. Ralph Gaw and Richard Fordyce voted in favor of the motion and the motion carried unanimously.

C. MISSOURI ATTORNEY GENERAL'S OFFICE

Tim Duggan updated the Commission on the default judgment against Deepwater Seed Farms, LLC., and Truman Lake Seed Farms, LLC., for failure to maintain practices for 60 months as required. Truman Lake Seed Farms owes over \$2,000 and Deepwater Seed Farms owes over \$14,000 which has been turned over to the Attorney General's Office.

D. MISSOURI DEPARTMENT OF NATURAL RESOURCES

Harry Bozoian presented the Missouri Department of Natural Resources (DNR) report. Mr. Bozoian recognized Kurt Boeckmann as the new Agricultural Liaison for DNR.

Mr. Bozoian presented updates to House Bill 28, which included fees for the Air, Water and Hazardous Waste program's which will change the process by which DNR receives fees. The Land Survey Program will be transferred to the Department of Agriculture. The Division of Energy by Executive Order is being transferred to the Department of Economic Development. The bill has not been signed yet.

Mr. Bozoian also reported on Our Missouri Waters. The first summit was the Spring River Summit held in May at Joplin. The three pilot watersheds are: the Spring River, the Big River and the Lower Grand River. The next summit is scheduled for September 10, 2013 for the Lower Grand River watershed.

E. SOIL AND WATER CONSERVATION PROGRAM DIRECTOR'S COMMENTS

At this time Colleen Meredith thanked Frank and Judy Oberle for hosting the June 19, 2013 Soil and Water Districts Commission meeting and the Native Pollinator meeting and tour.

1. State Average Cost for Earthmoving Components

Colleen Meredith presented the state average cost for earthmoving components. In January 2008, the Commission adopted using State Average Cost (SAC) for cost-share components with the exception applied to

earthmoving components. County Average Cost (CAC) could be developed and used for earthwork that exceeded SAC.

Ms. Meredith presented staff analysis on earthmoving components with examples on Diversions, Water and Sediment Control Basins, Side Inlet Drainage Structure, Terrace Broadbase Parallel with closed Outlet, and Waterways. Most districts are using earthmoving component costs that are less than or equal to the SAC and districts that exceed the SAC on earthmoving are typically within 10 percent of the SAC established.

The following was presented for Commission consideration: Require a cap on the CAC for earthmoving components that is no more than 10 percent above the State Average Cost (SAC), effective July 1, 2013.

After discussion, Gary Vandiver made a motion to approve the cap on the County Average Cost (CAC) for earthmoving components that is no more than 10 percent above the State Average Cost (SAC). Thomas Bradley seconded the motion. A poll vote was taken. Charles Ausfahl, H. Ralph Gaw, Thomas Bradley, Gary Vandiver and Richard Fordyce voted in favor of the motion and the motion carried unanimously.

2. Cooperative Working Agreement Update

Bill Wilson presented the Cooperative Working Agreement (CWA) Update. The Cooperative Working Agreement partners include NRCS, local county Soil and Water Conservation Districts (SWCDs), Missouri Soil and Water Districts Commission and Missouri Department of Natural Resources Soil and Water Conservation Program. The purpose is to replace previous MOU's or Cooperative Working Agreements.

The review committee for the Cooperative Working Agreement was comprised of: the Soil and Water Districts Commission, Missouri Association of Soil and Water Conservation Districts (MASWCD), Missouri Association of Soil and Water Conservation Districts Employees Association (MASWCDEA), Natural Resources Conservation Service (NRCS) and Soil and Water Conservation Program (SWCP). This committee had several meetings over the course of a 12 to 18 month period to review and edit the Cooperative Working Agreement along with comment periods for the SWCDs.

As of June 28, 2013, 104 Soil and Water Conservation Districts have submitted their Cooperative Working Agreements. The program staff contacted the remaining districts, who were working toward the deadline set as of July 1, 2013 to submit the Cooperative Working Agreement.

The Commission received a letter from the Worth SWCD addressing their concerns with the Cooperative Working Agreement and request to enter into a separate Cooperative Working Agreement with the Commission.

Worth SWCD Board chairman, Richard Mullock, addressed the Commission. Mr. Mullock thanked the Commission for being able to participate in the Commission meeting.

Mr. Mullock asked what the consequences would be if a district did not sign the new Cooperative Working Agreement by the July 1st deadline. He said that the Cooperative Working Agreement states "This agreement is not a legally binding document, but a mutual pledge of cooperation in providing leadership and assistance in natural resource conservation." Richard Fordyce stated that the Cooperative Working Agreement was reviewed by the Attorney General's Office but the Cooperative Working Agreement is exactly that. It is a pledge: something that says that the district and all other partners, the Commission, the Department, and NRCS work together. One of the reasons that precipitated a new Cooperative Working Agreement was things are done much differently than the 1990s, with newer Commission policies, and the acknowledgement that the Department has budget authority, while the Commission certainly provides input on how the budget is drafted. NRCS provides technical assistance, office space, vehicles, and area experts on issues, computers and information. The environment has changed quite a bit from the old Memorandum of Understanding (MOU) we were operating under. The partners felt it was necessary to update that.

Mr. Fordyce asked Mr. Mullock what was Worth SWCD specific issue with not signing the Cooperative Working agreement. Mr. Mullock stated he understands the NRCS rules and legal additions, but thought they could have been tied on to the original MOU. He understands they need to have an agreement with the state Commission, and possibly a separate one for NRCS. He also stated that Mr. Fordyce questioned the comment period and Mr. Mullock stated that Worth SWCD did make comments during that time period, and now it is up to the deadline of July 1.

Mr. Mullock stated do does not see that DNR needs to be on the agreement since DNR was not part of the original MOU.

Richard Fordyce stated that a decision would be made very quickly. If you talk about Soil and Water partnerships, DNR is an integral part of that, just like the districts and NRCS, and the Commission.

Mr. Mullock asked if Worth SWCD signs the Cooperative Working Agreement what are their advantages? Mr. Fordyce stated that he did not know about advantages, but there would probably be some disadvantages if districts did not sign.

Thomas Bradley stated J.R. Flores could go over the reason why the NRCS need to make revisions to the MOU. J.R. Flores stated he agrees with Richard Fordyce, that it does show cooperation with all the partners, and that everyone mention in the agreement are key. The reason for the NRCS changes are the previous MOU did not spell out certain issues such as: transportation, Civil Rights, and Privacy Act and Freedom of Information. J.R. Flores stated this Cooperative Working Agreement was a good way to incorporate all of the legal issues that have to be included for NRCS.

Harry Bozoian stated that from the Department's stand point, they would look to the Attorney General's Office for legal advice in the event that an agreement is not signed and how that would impact the state funding in regards to the program. The Department also needs assurances that when money is budgeted to each district that the money will be used for what the constitution requires. That would be the concern for the Department.

Gary Vandiver stated that some of the boards have not had time to meet due to the weather conditions recently to review the new Cooperative Working Agreement.

Gary Vandiver made a motion to extend the deadline to submit a signed Cooperative Working Agreement to Jefferson City by July 15, 2013. Thomas Bradley seconded the motion. A poll vote was taken. Charles Ausfahl, H. Ralph Gaw, Thomas Bradley, Gary Vandiver, and Richard Fordyce voted in favor of the motion and the motion passed unanimously.

Gary Vandiver directed the program staff to contact the Attorney General's Office to request legal guidance if districts do not sign the Cooperative Working Agreement. Mr. Vandiver also stated that the counties have had 18 months to bring the concerns forward.

Gary Vandiver made a motion that the Commission would instruct staff to coordinate with Attorney General's Office and Department Counsel to see what the protocol or process would be if districts do not return a signed Cooperative Working Agreement by the July 15, 2013 deadline. H. Ralph Gaw seconded the motion. A poll vote was taken. Thomas Bradley, Charles Ausfahl, H. Ralph Gaw, Gary Vandiver and Richard Fordyce vote in favor of the motion and the motion passed unanimously.

At this time Richard Fordyce requested that this process be done as quickly as possible due to the impending deadline.

3. Bridge Loan Program

Colleen Meredith presented information on the Department of Agriculture Bridge Loan Program for cost-share. Ms. Meredith stated there was a memo sent to the districts for their information. This is a way for cooperators to get

money up front to assist in the installation of conservation practices. This would be a good opportunity for some landowners that might not be able to have the funds available prior to contract payment.

4. FY14 Area Meetings

Bill Wilson gave an update on the 2013 Area meetings. Mr. Wilson stated the Area Meetings start the week of July 29 and run through the following week. He requested the Commissioners review the memorandum that was sent to the districts that included a schedule and reminder that each Commission member may select a meeting to attend that would work in their schedule.

F. REQUESTS/REVIEW

1. Jackson SWCD - Request Change of Territory for Supervisor Election

Jim Plassmeyer presented the Jackson SWCD request for redistricting an area. The supervisor areas, by rule, are set when the Commission approves the formation of the district. Any changes to the supervisor areas after the formation have to be approved by the Commission. The Jackson SWCD is requesting to change the boundaries from a north-south alignment to an east-west alignment. This change will redistribute the agricultural land throughout each area and offset the urbanization in the western part of the county, which has impacted finding a replacement for vacant supervisor positions. The new boundaries are 24 Hwy in the North, 48th and 49th parallels which follow township lines. Maps prepared by the district documenting the current and proposed boundaries were sent to the Commissioners and reviewed.

The following was presented for Commission consideration: Approve the Jackson SWCD request to realign their supervisor areas.

After a discussion, Thomas Bradley made a motion to approve the Jackson SWCD request to realign their supervisor areas. Charles Ausfahl seconded the motion. A poll vote was taken. H. Ralph Gaw, Gary Vandiver, Charles Ausfahl, Thomas Bradley and Richard Fordyce voted in favor of the motion and the motion carried unanimously.

2. Supervisor Appointments

a. Jackson SWCD

Jim Plassmeyer presented the Jackson SWCD Supervisor Appointment. The Jackson SWCD board requested to appoint Mr. John Campbell to fill the unexpired term of William O'Brien. Mr. O'Briens has submitted his resignation and the letter was included in the packet. Mr. Campbell and the board chairman have signed the Verification of Supervisor Eligibility form, verifying the candidate meets the qualifications to serve on the board.

The following was presented for Commission consideration: Approve the appointment of Mr. Campbell to fill the vacancy on the Jackson SWCD Board of Supervisors.

Charles Ausfahl made a motion to approve the appointment of Mr. Campbell to fill the vacancy at the Jackson SWCD Board of Supervisors. H. Ralph Gaw seconded the motion. A poll vote was taken. Thomas Bradley, Gary Vandiver, H. Ralph Gaw, Charles Ausfahl and Richard Fordyce voted in favor of the motion and the motion carried unanimously.

b. Greene SWCD

Jim Plassmeyer presented the Greene SWCD Supervisor Appointment. The Greene SWCD board requested to appoint Mr. Tom Huff to complete the unexpired term of Ms. Shanda Feemster. Mr. Huff and the board chairman have signed the Verification of Supervisor Eligibility form, verifying the candidate meets the qualifications to serve on the board.

The following was presented for Commission consideration: Approve the appointment of Mr. Tom Huff to complete the unexpired term of Ms. Shanda Feemster to the Green County SWCD Board of Supervisors.

Gary Vandiver made a motion to approve the appointment of Mr. Tom Huff to the Greene SWCD Board of Supervisors. Thomas Bradley seconded the motion. A poll vote was taken. H. Ralph Gaw, Charles Ausfahl, Thomas Bradley, Gary Vandiver and Richard Fordyce voted in favor of the motion and the motion carried unanimously.

c. Shelby SWCD

Jim Plassmeyer presented the Shelby SWCD Supervisor Appointment. The Shelby SWCD board requested to appoint Mr. E.W. Carroll to complete the unexpired term of Mr. Mike Mueller. Mr. Carroll and the board chairman have signed the Verification of Supervisor Eligibility form, verifying the candidate meets the qualifications to serve on the board.

The following was presented for Commission consideration: Approve the appointment of Mr. E.W. Carroll to complete the unexpired term of Mr. Mike Mueller to the Shelby SWCD Board of Supervisors.

Tom Bradley made a motion to approve the appointment of Mr. E.W. Carroll to complete the unexpired term of Mr. Mike Mueller to the Shelby SWCD Board of Supervisors. H. Ralph Gaw seconded the motion. A poll vote was taken. Gary Vandiver, Charles Ausfahl, H. Ralph Gaw, Thomas Bradley and Richard Fordyce voted in favor of the motion and the motion carried unanimously.

3. Oregon SWCD

a. AgNPS SALT Streambank Group Project Proposal

Colleen Meredith presented the Oregon AgNPS SALT Streambank Group project proposal. The issue before the Commission is: should the Commission allow a variance to the \$5,000 landowner limit for the C650 Streambank Stabilization Practice to increase the landowner limit for the Warm Fork AgNPS SALT project to \$20,000 per landowner? Streambank Stabilization Practice cost-share is authorized for: cedar tree revetments, rock riprap, bioengineering, seedlings or other plantings to stabilize area, and exclusion fence.

Oregon County Warm Fork of Spring River AgNPS SALT project is one of 12 projects that were approved by the Soil and Water Districts Commission for the 9th call in May 2008. The project is in the fifth of seven years and the project watersheds supplies 90 percent of the drainage to Mammoth Spring. Mammoth Spring is the third largest spring in the Ozark Plateau. The average flow is 234 million gallons per day. Warm Fork is on the 2012 303 (d) list of impaired waters for bacteria. This project addresses nine miles of stream length in the Warm Fork watershed. The district has met most of the goals for the projects and is 64 percent complete overall.

The AgNPS SALT budget for FY 2014 is \$51,450 and FY 2015 is \$11,450 for a total of \$62,900. The district would like to request that the \$62,900 be available for the C650 Streambank Stabilization project for FY 2014 and FY 2015. The district is committed to using their regular cost-share funds to complete SALT goals in the other resource concerns. The district is requesting additional funding for the project to serve landowners involved.

The district has requests from 14 landowners concerning streambank erosion and the district has performed site visits at each location requested by a landowner and pictures have been provided.

The districts future plans and goals are: hydrology and engineering workshop planned for in the summer 2013 provided the funding for the streambank erosion is available. The Missouri Department of Conservation is providing both the hydrologist and the engineer for the workshop, and several other partners are invited to the workshop. The district is seeking other agencies for cooperating funding partners, as well as investigating a possible 319 project for the watershed. Pending funding approval, and after the engineering investigation, there will be additional landowner meetings to discuss funding and priorities before starting the projects.

Colleen Meredith presented three Commission Considerations: 1. Allow a variance to the \$5,000 landowner limit for the C650 Streambank Stabilization Practice to increase the landowner limit for the Warm Fork AgNPS SALT project to \$20,000 per landowner. 2. Allow use of the FY14 and FY15 SALT funds for streambank stabilization in this project. 3. Allow up to \$100,000 of additional SALT funds to be added to the project once FY14 funding is obligated.

After a brief discussion, H. Ralph Gaw made a motion to allow a variance to the \$5,000 landowner limit for the C650 Streambank Stabilization Practice to increase the landowner limit for the Warm Fork AgNPS SALT project to \$20,000 per landowner. Thomas Bradley seconded the motion. A poll vote was taken. Charles Ausfahl, Gary Vandiver, Thomas Bradley, H. Ralph Gaw and Richard Fordyce voted in favor of the motion and the motion carried unanimously.

Gary Vanidver made a motion to allow use of the FY14 and FY15 funds for streambank stabilization in this project. Thomas Bradley seconded the motion. A poll vote was taken. Charles Ausfahl, Gary Vandiver, Thomas Bradley, H. Ralph Gaw and Richard Fordyce voted in favor of the motion and the motion carried unanimously.

H. Ralph Gaw made a motion to allow up to \$100,000 of additional SALT funds to be added to the project once FY14 funding is obligated. Thomas Bradley seconded the motion. A poll vote was taken. Charles Ausfahl, Gary Vandiver, Thomas Bradley, H. Ralph Gaw and Richard Fordyce voted in favor of the motion and the motion carried unanimously.

b. Variance for a Landowner Streambank Stabilization Practice

Colleen Meredith presented a request from the Oregon Soil and Water Conservation District requesting a variance for a landowner streambank stabilization practice. The landowner's engineering plan provided by the Missouri Department of Conservation included the exclusion fence at 25 feet. Policy for the C650 Streambank Stabilization practice requires that the minimum for exclusion area fence is 50 feet. The guidance to the landowner was based on the WQ10 Stream Protection Practice policy of a minimum of 25 feet for the exclusion area. The following issue was presented: Should the Commission provide a variance on the exclusion fence on contract #SA 066-13-0178 for an N391 Riparian Forest Buffer practice? The following was provided for Commission Consideration: Approve a variance on the exclusion fence for contract # SA 066-13-0178 for a N391 Riparian Forest Buffer Practice to be less than 50 feet.

After a brief discussion, H. Ralph Gaw made a motion to grant the variance request. Charles Ausfahl seconded the motion. A poll vote was taken. Thomas Bradley, Gary Vandiver, Charles Ausfahl, H. Ralph Gaw

and Richard Fordyce voted in favor of the motion and the motion carried unanimously.

4. Atchison SWCD

a. Tiling Existing Terrace System

Jim Plassmeyer presented the Atchison SWCD request to tile an existing Terrace System practice that is currently under a maintenance agreement. The issue before the Commission is: Should the Commission approve the Atchison SWCD board's request to add tile to an existing DSL-04 terrace system practice that is currently under maintenance agreement. The Atchison SWCD provided cost-share for a DSL-04 Terrace System practice in FY 2011 for 17,240 ft. of level broad base terraces with no tile in the amount of \$23,274. The practice was approved and constructed to NRCS standards and specifications. The new landowner is requesting to add tile to the existing terrace system because the terraces are holding a significant amount of water and causing crop loss. The landowner is requesting 1,588 ft. of tile, seven risers, two outlets and 1,628 ft. of trenching and backfill with an estimated cost-share of \$5,564.26.

Commission policy states "cost-share is only available for structures not under a current maintenance agreement." Terrace Systems have a ten-year maintenance life and the current maintenance agreement does not expire until July 28, 2021.

The following was presented for Commission consideration: Maintain current policy and deny the Atchison SWCD's request to add tile to an existing DSL-04 Terrace System practice that is currently under a maintenance agreement.

After discussion and a few questions for Louis Byford, Atchison SWCD, regarding the field and soil condition, Charles Ausfahl made a motion to approve Atchison SWCD's request for additional tile to an existing DSL-04 Terrace System practice. Thomas Bradley seconded the motion. A poll vote was taken. H. Ralph Gaw, Gary Vandiver, Thomas Bradley, Charles Ausfahl and Richard Fordyce voted in favor of the motion and the motion carried unanimously.

5. Maries SWCD

a. Replacement of Water Source in a Grazing System

Jim Plassmeyer presented the Maries SWCD request for the replacement of a water source in a grazing system to provide cost-share assistance on a DSP 3.1 Grazing System Water Development to replace the current well being used. The landowner installed the tanks, waterline and fence on his property and the fence on the adjoining landowner's property without cost-share assistance. Cost-share was received on watering tanks through

a DSP-3.2 Water Distribution practice that are supplied by the well on the landowners' properties. The landowners are concerned if there is another drought that issues may arise with water supply. Information on the current well was given. Division of Geology and Land Survey staff told the district if a new well is considered it would need to be drilled deeper than the existing well.

Current Commission policy states "construction of a water source will only be allowed on an existing system if paddock numbers are increased or if acreage is added so that the existing water source is no longer adequate."

The following was presented for Commission consideration: Maintain current policy and deny the Maries SWCD request since the proposal does not intensify the current grazing system by adding paddocks or acreage, and the current well has supplied adequate water since January 2011 when the DSP 3.2 was completed.

After discussion, Gary Vandiver made a motion to deny the Maries SWCD request to provide cost-share assistance on a well to supply water for livestock through a DSP 3.1 Grazing System Water Development to replace the current well being used. H. Ralph Gaw seconded the motion. Charles Ausfahl, Thomas Bradley, H. Ralph Gaw, Gary Vandiver and Richard Fordyce voted in favor of the motion and the motion carried unanimously.

G. PUBLIC COMMENTS

No public comments.

At this time Richard Fordyce thanked Mr. Mullock for being on the call and discussing Worth SWCD's request. Mr. Fordyce stated that research would be done if the Cooperative Working Agreement was not signed. A decision would be made very soon and stated Mr. Mullock or others are more than welcomed to call Colleen Meredith or him. Mr. Mullock requested that the Attorney General's Office review specifically paragraph four. He also stated that Worth SWCD did have questions and called to discuss them when the official document was sent for signature in April 2013.

H. SUGGESTED DATE(S) OF NEXT MEETING(S)

The suggested Soil and Water Districts Commission meeting is August 14, 2013 in Sedalia, at the Missouri State Fair. The Commission consensus is to meet on that date at that location. Judy Grundler stated there is a facility that date at the National Guard building and have a room on reserve. Ms. Grundler stated there is a reception at 5:30 at the fair that evening and the Commission will be receiving invitations.

I. ADJOURNMENT

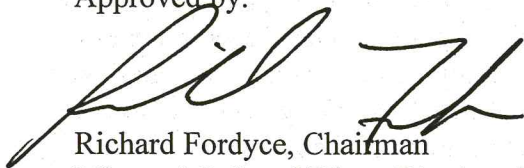
H. Ralph Gaw moved the meeting be adjourned at 10:00 a.m. Thomas Bradley seconded the motion. Charles Ausfahl, Gary Vandiver, Thomas Bradley, H. Ralph Gaw, and Richard Fordyce voted in favor of the motion and the motion passed unanimously.

Respectfully submitted,



Colleen Meredith, Director
Soil and Water Conservation Program

Approved by:



Richard Fordyce, Chairman
Missouri Soil and Water Districts Commission
/clm